

APPENDIX B
Submitted Written Public Comments*

(Additional Written Public Comments from the June 22, 2004 Meeting may be
found on the 911 Environmental Action Website:
<http://911ea.org>)

***THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED AT THE
EXPERT TECHNICAL PANEL REVIEW MEETING #4. NOTE, THE
MEETING IS NOT A PUBLIC HEARING TO HEAR TESTIMONY, BUT
RATHER A TECHNICAL MEETING FOR EXPERT PANEL MEMBER
DISCUSSIONS WITH TIME SET ASIDE TO HEAR COMMENTS FROM THE
PUBLIC ON DISCUSSION TOPICS.**

**STATEMENT OF ROBERT GULACK, UNION STEWARD,
U.S. SECURITIES & EXCHANGE COMMISSION,
BEFORE THE EPA TECHNICAL PANEL**

FOR IMMEDIATE RELEASE

June 22, 2004

FOR MORE INFORMATION, CONTACT:

Robert Gulack, (201) 794-9322

As this panel may recall, my name is Robert Gulack and I am here as a union steward representing the SEC bargaining unit in New York City. I'd like to begin my comments with a small parable.

The ocean liner struck the iceberg. The collision left an extended gash beneath the waterline. The engine rooms flooded. The steerage passengers began to drown. The captain made the following announcement:

"It has been suggested that we need to check this ship for seawater. First, we cannot check for seawater until we create a test to confirm whether any seawater we might find is, or is not, iceberg-related. We can't take the chance that we might detect seawater and not be sure where it came from. It will take at least a year to learn how to distinguish the various forms of seawater. Second, the burden is clearly on the passengers to prove that any increased levels of seawater we might detect are injurious to them. If the passengers can't show previously established health-related benchmarks, we might as well not do the testing. After all, when the passengers arrived on our ship, they were already 70% seawater. Until the passengers can prove that these alleged increases in seawater are dangerous, we should presume that they pose no threat."

Shortly after making this announcement, the captain drowned.

Nearly three years ago, merciless murderous terrorists dropped the twin towers on Manhattan and Brooklyn, filling our homes, offices, schools, and firehouses with lethal contaminants. For nearly three years, the EPA has made excuse after excuse to avoid beginning the process of testing our homes, offices, schools, and firehouses. In making these foolish, irresponsible, and illegal excuses, the EPA has consistently ignored its own Inspector General, Senator Clinton, Congressman Nadler, and the will of the people of New York. This community has already gone to its political representatives, and those representatives have spoken. There is only one man who opposes doing this testing. He is not a New Yorker. His name is George W. Bush. The latest EPA excuse is that testing cannot begin if it might detect contamination that is not the result of 9/11.

Doctors have their prime directive – the Hippocratic Oath – "First, do no harm." In the world of science fiction, the United Federation of Planets has its Prime Directive: "First, do not interfere with other civilizations." The average American, asked to name the prime directive for the EPA, might have guessed it was "First, make sure Americans aren't poisoned." But, thanks to this endless process, we have now learned the EPA's actual Prime Directive: "First, do not uncover problems that may not be your

responsibility to clean up.” This is a ridiculous principle. It may be a minor priority for the EPA. But it is hardly the EPA’s primary responsibility in this matter.

In any case, it makes no sense to put off general testing till you have a signature. You have to do the general testing first – in order to validate any signature. As you do the general testing for all COPCs, you can collect the necessary wide-spread samples to do your signature research. And these samples will also have the benefit of being *current* samples. You will then be able to see if the proposed signature correlates reliably with *all* COPCs.

The contamination in our homes, offices, schools, and firehouses has already sickened thousands of innocent New Yorkers. Every day, it attacks new victims; every day, it makes old victims worse. As this panel knows, I, myself, am an example of the many victims who have permanent lung damage due to this uncleaned debris. Cancers attributed to this debris are already beginning to appear. The EPA wants you to decide to put off testing for another year, and they have scheduled you to make this decision before you are briefed by medical professionals on the unfolding medical emergencies in Manhattan. The EPA knows that, if you truly understood the scale of suffering getting worse every day, you would know that New York can’t afford to wait for testing. If you heard the roar of the ocean water flooding into the hull, you would realize that putting off testing for a fourth year would be an act of grotesque irresponsibility.

The EPA wants you to constrain the geographical limits of testing to match the EPA’s previous arbitrary limits, and they want you to make that decision before you are briefed on which neighborhoods are suffering. The EPA knows that, if you truly understood the geographic map of unfolding medical injury, you would expand testing to the affected neighborhoods.

In accordance with general White House policy, the EPA is marching this panel around with hoods over their heads. It’s time to pull off the hoods and see the facts. Let this panel be promptly briefed by the medical professionals who have been forced to treat this new wave of illness in New York City. Based on that briefing, let this panel promptly devise an immediate wide-spectrum broadly-based comprehensive program for testing that can be discussed and implemented with the community. The voters have the right to see the results of this testing prior to the first Tuesday in November 2004. The White House has no right to march the voters into the voting booths with the hoods still on their heads.

The EPA memo of May 18, 2004 repeatedly assumes that our testing choices are constrained by budget limits, but contains no actual budget numbers to demonstrate what the federal government can and can’t afford to spend to protect the citizens of New York from this chemical attack. The community demands that the EPA either disclose the budget numbers on which it is relying, or cease arguing that it does not have the money to do the job right. Which is more important – protecting children from asbestos, or protecting tax breaks for the wealthy? Dr. Gilman told us this morning to stop worry

about money, so let's stop producing EPA memos explicitly based on budgetary constraints.

On March 31, 2004, Dr. Gilman told the press he would be collating data from landlords. David Newman proposed a comprehensive data collection effort to make good on this promise. What happened to that initiative? It's time for the EPA to start concentrating on fulfilling its responsibilities, instead of coming up with excuses to postpone them.

One last point. Obviously, we do need transcripts, and no honest person would deny us transcripts. Let me offer one more example of the hilarious inaccuracy of these so-called EPA summaries. The EPA summary quotes me as stating that the Woolworth Building is clean. For nearly three years, I have been telling everyone how contaminated the Woolworth Building is. I never said the Woolworth Building has been cleaned, and it hasn't been.

**Statement for the fourth meeting of the EPA WTC Air Quality Expert Technical Review Panel,
June 22, 2004**

My name is Rachel Lidov, I am a member of 9/11 Environmental Action.

EPA's scandalous performance following the terrorist attack of September 11, 2001, is a matter of public record and common concern. We cannot undo the harm caused by its failures in the first years. In the year following the attack, EPA was notable mostly for its abdication of responsibility and its absence. It took a second year to break through the web of lies and secrecy that hid from view that so-called cleanup of the environmental disaster. Coverup continued. On the eve of the second anniversary of the disaster, the EPA's Office of the Inspector General denounced the first clean up effort and the revealed the role played by the White House Council on Environmental Quality and the former head of the EPA, Christie Todd Whitman.

More months later we are picking up where we left off two summers ago, when we first attempted to prevent the EPA from betraying New Yorkers further. As we did in the spring and summer of 2002, we have been talking nearly three months. This EPA World Trade Center Technical Expert Panel has less authority than Region II had, but we have been consulting in good faith now for nearly three months. Yet the questions we raise are not being answered, our participation is placed under severe restraints, and our time and energy are squandered on discussion of research protocols that defy logic. Any discussion of establishing a signature to define World Trade Center dust before all available data is retrieved from unknown government web sites and confidential corporate files, before thorough, comprehensive sampling and testing is completed, and before a centralized data base is established in the public purview is an insult to both the scientific community and the victims of the September 11th attack. This Expert Technical Panel is in danger of not learning from the past.

To move ahead, we must reform the process in which we are engaged. Those with the most knowledge of the particulars of the disaster must be included as full partners with the unseen but influential members of this Administration which has lied to us. The role of the CEQ in the current proceedings must be fully disclosed. The transcripts of all meetings and conversations must be posted for the public to see. The operating budget for this effort to review and correct the errors following the ill-advised statement that downtown was a safe place to live and work after September 11th must be unveiled. And if that budget is inadequate to fund our proposed Community Based Research Protocols, this Expert Panel must take responsibility to demand the funds needed to undertake not just research, but inclusion and outreach, clean up of contamination, and screening and treatment of those who are and will become ill.

As billions of taxpayer dollars are diverted from budgets designed to protect life and liberty toward military and so-called "security" expenditures which endanger not only our city, but our nation and other nations, this Expert Panel must find itself in a contradictory position. It cannot but be fully aware that people now expect their government to invest in the public welfare, by funding programs for public schools and daycare or for the retraining out of work ex-soldiers and civilians, by establishing programs for pre-natal care and medical coverage for the elderly, by providing adequate fresh water to the soldiers in the desert -- and by cleaning up toxic hazards at home. Having accepted this assignment as fellow citizens and leaders in the scientific community, you must now empower the community you serve. We can and must work together to redirect resources to halt corruption of shared values and the erasure of knowledge nourished painstakingly through discovery, theory and trial. There is no more time for falsity and pretence. The clock is ticking.

Thank you.

For the last three years, the EPA has been steadily dismantling its own established protocols for dealing with environmental disasters, replacing them with protocols that use outdated equipment in substandard tests (the modified aggressive air test for asbestos) to achieve the minimum of protection (the one in ten thousand extra cancer risk per contaminant.) This process serves the dual purposes of getting EPA off the hook in New York City and setting a precedent for doing as little as possible in the future.

Having initially lied about the air quality downtown, EPA has followed up those lies with stalling tactics and obstacles such as assurances that particular caches of dust did not come from the WTC because they were not grey and fluffy, in one case, brown and gritty in another, fibrous or sparkly. The insistence on a fingerprint is motivated by the desire to get EPA out of doing a real cleanup.

The search for the one, true, unambiguous fingerprint follows in this tradition. The specious fingerprint notion presumes that dust is innocent of WTC origin unless proven guilty by tests which may use the instruments of science but which actually serve an inapt metaphor. The panel would do better to obtain real data which are already out there among independent contractors. We heard a persuasive presentation about them. Why has the panel now dropped the subject?

In other ways also the panel puts up obstacles. One which comes to mind concerns transcripts. Why do we have to fight about this? These meetings are not psychotherapy. Even less do they concern matters of National Security. Much as I applaud EPA's link to the 9/11 Environmental Action website, the community deserves to know why we have been denied transcripts thus far and we deserve to get them from now on.

The panel proceedings, with their sometimes unnecessary power point equivalents of Show and Tell, also make one wonder whether the powers that be are focussing less on taking action and more on how to fill eight hours once a month for the next year and a half minus the two hours for what probably seems to you like the Purgatory of the public comment periods.

Perhaps those powers that be believe that the community will grow tired, give up and go home. After all, we are in the position that lawyer Charles Swift described to his client at Guantanamo Bay as "you and me against the infinite resources of the federal government."

But the opposite is happening. Two weeks ago a press conference on the health effects of 9/11 made it obvious that the community is not growing tired. It is growing larger and as more people get sick, angrier. Time is not on EPA's side. EPA must show itself willing to do more than act as its own watchdog. As a first step towards greater transparency, CBPR should be instituted with a neutral and experienced facilitator such as Marcia Pinkett-Heller.

Jenna Orkin
World Trade Center Environmental Organization



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June 22, 2004

Dear EPA WTC Expert Technical Review Panel,

My name is Pamela Vossen and I am a Vice-President of the National Writers Union, UAW L.U. 1981. I have worked in the field of occupational safety and health since 1987, working for unions, medical centers and public health organizations as a researcher and educator. I am also a former UAW International Representative who was assigned for three years to the UAW's Health and Safety Department. As recipients of NIEHS Hazardous Waste Worker funding, the UAW assisted in community participatory research projects with unions, employers and communities regarding chemical exposures. I am also a former vice-chair of a COSH group. And so, I speak today as a firm supporter of the role of labor and community in defining and resolving public health issues.

The National Writers Union is seriously concerned about its members' health related to WTC exposures as either workers, residents or both. Our members include those who: reside in geographical areas around the WTC and in areas where the plume did travel to – Queens, Brooklyn and NJ and other areas in Manhattan and Long Island; and who worked and may continue to work, as either staff or as temporary workers – freelance writers, editors, etc in the same geographic areas of exposure. Also of concern is the health of our staff who work in our union hall that is located in NYC south of 14th St.

It is important to note that the U.S. workforce is increasingly becoming a contingent workforce, namely temporary workers, freelancers, day laborers, etc. This workforce includes a vast number of immigrant workers as well. Such a workforce must be targeted and included by the EPA as part of labor and the community that was exposed. Unfortunately, this is a population that regularly falls through the cracks due to the inadequacies of U.S. labor laws, employers and government agencies to address their needs and formally recognize their existence as part of the workforce.

Specifically, I would like to raise the following concerns regarding future EPA research and testing related to the health impact of the events of 9/11 in NYC and surrounding areas:

- That labor and community representatives must have a seat on the panel;
- That labor and affected communities must have a formal role in the panel by the use of Community Based Participatory Research as described by Micki Siegal;
- That comprehensive environmental testing must include downtown residences and workplaces;
- That the above testing includes a number of targeted substances and not just one substance as a surrogate for others;
- That the EPA obtains environmental sampling data, currently the property of private entities or government agencies but not yet accessible to the public, labor and affected communities;
- That vulnerable populations such as immigrant workers/residents and temporary/contingent workers be identified as target populations for
- all outreach for activities related to the above items;
- That materials be available in the languages of origin of the above populations;
- That unions and organizations that represent the above-stated vulnerable populations be actively contacted by the EPA to inform their members of the work of this panel and any activities related to community research and testing;
- That employers who hire temporary/contingent worker be actively contacted by the EPA regarding the testing of workplaces and the possible exposure of the workers they hired and sent to contaminated locations;
- That the geographic area of study be expanded to include those outlying areas including Manhattan, Queens, Brooklyn and areas of NJ and Long Island which reflect where the plume traveled.
- That all hearings of this panel are transcribed and made available quickly to the public.

Let us not forget that the increasing amount of construction occurring in the area of Ground Zero will only serve to aggravate the compromised respiratory conditions of workers and residents which are related to exposures from 9/11.

There is ample data to support the above concerns, all of which have been presented to the EPA already, repeatedly. It is time for the EPA to not only listen to labor and the community but take actions necessary to fulfill the EPA's responsibility to the public.

Our members' health and well-being depend on it. Thank you.

Sincerely,

Pamela Vossen
Internal Organizing Vice-President
National Writers Union/UAW L.U. 1981
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Testimony of 9/11 Environmental Action and the Sierra Club to the WTC Expert Technical Review Panel

June 22, 2004

Good afternoon. We are Kimberly Flynn, spokesperson for 9/11 Environmental Action and Suzanne Mattei, New York City Executive for the Sierra Club. We appreciate the opportunity to testify today.

We believe it's time for a reality check.

At the first meeting of the WTC Expert Technical Review Panel, we urged the panel and EPA to avoid any course that might delay EPA's taking proper action to clean up the toxic residue that still poses an exposure hazard for unknown numbers of residents, workers and students in Lower Manhattan and beyond.

Today -- three months later -- we do not feel that this panel is moving us in the right direction to accomplish that task. Instead, it appears to be engaging in a series of distracting inquiries that may be of interest to researchers but do not serve the community.

This is not the first time that a community has been contaminated, or that contamination has permeated the indoor environment.

We urge the panel to stop for just a moment -- take stock of the tasks before it and the already-existing protocols for addressing those tasks. We believe that if you do this you will see the need to redirect your actions toward a more common sense direction. The panel should:

- Partner with the community as our community liaison has recommended;
- Design and begin the representative, concentric circle sampling program to get real world data on existing indoor contamination, while also gathering the private test data that exists, and making sure that EPA tests in areas likely to store dust, not just the more frequently cleaned areas; and
- Move forward expeditiously with a schedule to carry out the panel's next crucial task, which is to evaluate unmet health needs related to World Trade Center pollution exposure.

The panel also should re-examine the way that it conducts its business in light of the need for public credibility. In particular, we urge that you institute proper transcript recordings of your meetings and that you respond specifically, at each meeting, to public comments made at the prior one.

The first step is partnership with the Community.

Representatives from more than 15 community and labor organizations met last week with our panel liaison, Catherine McVay Hughes, and unanimously endorsed the need for a formalized, meaningful and resourced mechanism to involve the community as a full partner in this Panel's deliberations.

Equally important, the EPA should provide the community with a budget, including funding to engage its own technical experts.

Full partnership with the community will ensure that the panel and EPA do not lose sight of the real world goal and veer off-course into studies based on speculation that may take years to complete. Indeed, either we will all move forward in a productive partnership to achieve a proper cleanup to prevent further illness, or this panel will become part of the long series of agency misfires that comprise this administration's shameful record at Ground Zero.

We urge you to embrace a meaningful partnership with this community.

The second step is the sampling program.

This panel must honor the commitments that it made at the April 12 meeting:

- Testing for an expanded list of contaminants;
- Testing in workplaces, firehouses, schools and public buildings, as well as residences;
- Testing in areas outside the previous "clean-up zone" where, according to the evidence, the Ground Zero pollution traveled; and
- Testing potential reservoirs of toxic contamination such as HVAC systems, carpets, upholstery, bookshelves and less frequently cleaned areas.

An EPA document describing the signature project as forming the basis of the panel's proposed sampling program, is troubling. The document on EPA's website, titled, "Further Discussion Regarding World Trade Center Related Sampling," states: "The ability of this program to evaluate current contamination status relies on the existence of a validated method for identifying a World Trade Center signature in samples."

We oppose pursuing a World Trade Center signature that takes the place of testing in the service of cleanup, that is, conducting environmental sampling of a broad range of contaminants so that cleanup will proceed when clean-up is needed.

We remind you of our March 31 request that the panel urge EPA to comply with the Inspector General's recommendation that this cleanup meet the criteria for protecting human health that EPA has already established for Superfund cleanups.

EPA should move forward now, using existing protocols and long-standing practices, that have been peer-reviewed and have stood the test of time.

An WTC signature (or signatures, given the different sources of contamination) might be a legitimate scientific investigation once representative sampling has been conducted and cleanups are underway, but it cannot be a condition precedent to action.

We do urge that EPA launch a public outreach campaign now to solicit existing air and dust test results from independent sources and establish a centralized database for it, as proposed by panelist David Newman at the May 24 meeting. Again, EPA does not need to wait for this data before it begins its own testing program, but the information exists and can serve as a useful supplement to the data that EPA collects.

The third step is an assessment of unmet health needs.

The panel must begin to assess "unmet public health needs" (part of its mandate), and this should start at its next meeting on July 26. The panel should solicit presentations from the medical doctors who have been treating people exposed to the World Trade Center pollution. This is essential for two reasons:

- First, it is critical that medical judgment – not just engineering judgment – be a factor in developing an expeditious and sufficiently preventive testing and clean-up program.
- Second, the need for screening, monitoring, and treatment of the people who were exposed to World Trade Center pollution is dire. Early intervention in cases of respiratory conditions has the potential to prevent further sensitization, and early detection and treatment of severe lung impairments, cancer and other diseases can sometimes mean the difference between life and death.

Finally, we request a response to the comments we have made on the Panel's process. In particular, there should be no more delay in providing transcripts of panel meetings. It is essential to the credibility of this process. All panel meeting must be transcribed.

Thank you for your consideration of these comments.

Suzanne Mattei, NYC Sierra Club, 212-791-3600 ext. 35
Kimberly Flynn, 9/11 Environmental Action, 646-265-9405

Testimonial for World Trade Center Expert Technical Review Panel

Mr Craig Hall

WTC Residents Coalition (WTCRC) – President
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June 22nd 2004

WTCRC – World Trade Center Residents Coalition

I am president of the WTCRC founded after 09/11 which is an umbrella Organization representing approximately 30000 residents downtown. It consists of rental building tenant association representatives, Condo and Co-op building board members. I am a downtown resident and have been in BPC since June 2000. I have three young children.

• CBPR Process (Community – Based Participatory Research)

The WTCRC strongly urges the panel members to seriously consider the CBPR process that was discussed earlier today by Micki Siegel. We believe that through this process the community will be a full partner in the panel discussions and would involve us in the scientific and technical discussions around the sampling design. *We want to be a partner not a subject!* Other Governmental agencies use this process effectively why not the EPA?

The community is concerned with the current panel process. Your decisions will directly effect us please make sure those decisions were the best possible ones you could make by partnering with the community.

We would suggest that the EPA consider furnishing the community with a budget to fund its own qualified technical experts that we trust. From my previous testimony to this panel I suggested that the community after 09/11 had lost a great deal of faith and trust in the EPA, this would be a real positive step to bridge that gap that exists today.

• WTC Signature

The WTCRC believes that any testing must be based on the broad range of contaminants present in the WTC dust. Please do not make the mistake of the weeks after 09/11 you should extend the range of contaminants other than the identified Contaminants of Potential Concern. You must include testing to identify all heavy metals, other particulates, chemicals and combination effects of such contaminants at levels which may well be below the toxicity of a single component.

We need not wait for the signature to be fully decided before extensive testing of all buildings whether residential, commercial, schools and public spaces takes place. Research should be carried out on those newly collected samples utilizing the best possible sampling methods available including those that were collected after 09/11 to ascertain the signature. The EPA should create and populate a centralized scientific database on all sampling locations, timings and results of testing on those samples. It should reach out to the community for any samples that people collected from 09/11 for retesting. The EPA should consider extending the testing to areas North of Canal St, Downtown Brooklyn to wherever the plume and subsequent wind in the months after 09/11 carried the dust.

- **Health Concerns**

The panel must know that over 40,000 people have signed up to the World Trade Center Health Registry. Why doesn't the panel reach out to local community doctors, hospitals and researchers on the medical issues that people suffered after 09/11 and continue in some cases to suffer? The EPA need to establish a similar database from these people and encourage the public to solicit as much data as possible while also encouraging people to sign up to other useful databases such as the WTC Health registry.

- **Possible Contaminated Buildings**

The community wants assurances that the deconstruction of Deutsches Bank and the fate of other buildings such as that Fiterman Hall, do not release any new contaminants back into our environment. We want independent testing and constant monitoring and regular updates of that monitoring before, during and after.

- **Summary**

The community is offering to work with the EPA. We want the right sensible choices to be made. We want an effective, accurately as possible recorded process for airing our concerns and for the panel discussions. We want the best scientists and doctors we all trust, to address our concerns and act appropriately on them.

We want to know that it is safe for our young children to grow up downtown and that as parents we have not or will not expose them to any unnecessary health risks for the future.



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**PUBLIC EMPLOYEES
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**US Environmental Protection Agency
World Trade Center Expert Technical
Review Panel**

June 22, 2004

**St. John's University
101 Murray Street
New York, NY 10007**

**Testimony of Paul Stein, Health & Safety Chairperson
PEF Division 199
On behalf of the NYS Public Employees Federation, AFL-CIO**

On behalf of the New York State Public Employees Association, I thank you once again for the opportunity to give testimony before the World Trade Center Expert Technical Review Panel. My name is Paul Stein. I am the Health & Safety Committee Chairperson of Division 199 of the New York State Public Employees Federation, AFL-CIO, popularly known as PEF. My union represents 52,000 professional, scientific and technical employees of the State of New York. About 2,000 of our members currently work in lower Manhattan. I am here today once more to speak on behalf of approximately 350 PEF members: most of whom work for the New York State Department of Health (including Health Research, Inc.), some of whom work for the New York State Public Service Commission, and all of whom are scheduled to be moved to offices at 90 Church Street, directly adjacent to the World Trade Center site, by the end of the first quarter of 2005.

In my statement at the May 24, 2004 meeting of this panel, I pointed out that despite a building-wide testing and cleanup program at 90 Church Street after 9/11 costing tens of millions of dollars, there appeared to be significant omissions in the decontamination and testing done. Despite repeated information requests going back to December of 2003, New York State officials have not provided any testing protocols or clearance testing results for the air-handling units on each floor of 90 Church Street. It should be emphasized that these are the same air-handling units that were in operation on 9/11. Since we did receive testing protocols and clearance testing results for practically all other parts of the building, the omission of the air-handling units was cause for serious concern.

Recently, through PEF's own research on the Internet, with additional follow-up, we discovered information that seems to indicate that our fears about the air-handling units are justified. On the web site of Global Encasement, Inc.

<http://www.encasement.com/CH136.html> , a company which manufactures various kinds of toxic and hazardous material encasement and encapsulation products, is published a "case

history" of 90 Church Street. Two excerpts from this web site read as follows:

90 Church Street is a Federally Owned Building Located Right Next to the World Trade Center Site. U.S. Government Industrial Hygienists were Shocked to Find that Even After Extensive Cleaning of the Building's Air Intake Vents, Laboratory Testing Confirmed there was Still Lead and a Number of Other Heavy Metals Present on these Metal Surfaces. The Cost of Removing and Replacing All of the Intake Vents in the Building Would Be Astronomical.

The U.S. Government, A Long Time Advocate of In-Place Management of Hazardous Materials, Looked for a cost effective Solution and Recommended GLOBAL Encasement's **GE-60 Clear Surface Coat**. After the Coatings were Applied, Hygienists Took Wipe Tests and Sent Them to a Government Lab for Testing. To Everyone's Relief, Lab Results Showed that No Traces of Any Heavy Metals Remained on the Surfaces.

PEF verified by a telephone call to Global Encasement, Inc. that their GE-60 Clear Surface Coat had in fact been used on the air intake vents at 90 Church Street. When we brought this information to the attention of New York State officials, they seemed unaware of it. We are awaiting a response from them to our information requests regarding the before and after test results of the air intake vents, the cleaning protocols for the air intake vents, and the process and justification for this use of GE-60.

PEF consulted several experienced industrial hygiene experts, and none of them had ever heard of an air intake vent contaminated with lead and other heavy metals having been treated in this manner. They told us that this is not standard practice. The people working at 90 Church Street do not want to be treated as guinea pigs, testing the efficacy of sealing contaminated air intake vent surfaces, rather than sufficiently cleaning them or replacing them. Nowhere on its product information sheet for GE-60 does Global Encasement, Inc. recommend that it be used for this purpose on an air intake vent or on any other part of an air handling unit. No approval of this use by any professional body or testing organization is cited in their product information. It should be pointed out that many of the air intake vents at 90 Church Street are dampers that have metal slats and hinge mechanisms that rub against each other. And, of course, the parts that are rubbing against each other are constantly exposed to

the temperature and moisture extremes of New York City weather. Can such a sealant adequately contain the contaminants over time? The failure to communicate this important information has further raised the fears of the future occupants of the building.

In the absence of guidance from the Environmental Protection Agency or any other government agency, the 90 Church Street building management was free to improvise and implement what appear to be untested and possibly unsound methodologies for dealing with environmental contamination. How many buildings in lower Manhattan and other affected locations are still contaminated due to the events of 9/11? How many buildings were never cleaned? How many building cleanups were incomplete or ineffective? How many residents and workers are being put at risk daily?

PEF calls upon the Environmental Protection Agency to: 1. establish a uniform and comprehensive environmental testing program for all structures in lower Manhattan and other affected locations; 2. establish uniform and comprehensive cleaning protocols; and 3. provide funding for the cleanup and clearance testing of all contaminated structures. The public health is too important for this matter to be left to individual landlords and public authorities who may not have the expertise, the resources, or the will to do a proper cleanup.

Thank you.

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Expert Technical Review Panel, June 22, 2004
World Trade Center-EPA-9/11

Comments offered to the panel by Patricia Dillon
on behalf of the Independence Plaza (IP) Tenant Association

Independence Plaza is a large apartment complex on Greenwich Street, just 6 short blocks north of the World Trade Center site. We were heavily impacted on 9/11: by the initial dust cloud; by the smoke from the fires that seemed like they'd never stop burning; and for more than 8 more months by the poorly controlled debris-transfer operation at Pier 25 in the Hudson.

For almost three years, we have been concerned about possible contamination remaining in our buildings from that terrible time. Some 30% of our residents registered for the EPA sham dust cleanup. We asked EPA to test the exteriors of our buildings. EPA referred the matter to City DEP, whose man came, many months after 9/11, eye-balled our three 39-story buildings, said "Nope -- no visible dust," and left.

We now know that our buildings' exteriors and at least some apartment interiors are contaminated with microscopic particles from the World TradeCenter. We know this because recently the window tracks and some interior surfaces in 19 apartments underwent wipe and lift test for asbestos and a few other WTC contaminants. The window tracks of all 19 apartments were found to contain high levels of asbestos -- 6 had over 5 million structures per centimeter squared, 2 had over 10 million structures. Of the 15 apartments tested for Mercury and some metals, 7 were found to have exceedences of one or more of those elements.

We are now facing a serious problem. A few months ago, our buildings' owner began a program to replace all of the windows in the 1350-unit development. The work was temporarily halted when we notified him of the test results.

The concern is that the window replacement work could disturb the settled asbestos in the tracks and cause it to become airborne. This could occur in several ways: negative pressure might cause the dust to be pulled into the apartment; or, the dust could be blown into the apartment by the wind; or, the dust could simply be dislodged by rough handling as the workers take out the windows, carry them through the apartment, and take them down in the elevators.

We have many residents with new or exacerbated health problems resulting from 9/11, Few of us can afford to pay for private testing, so we live not knowing -- and worrying.

EPA Expert Tech Review Panel, 6/22/04
Comments offered by Patricia Dillon
on behalf of the Independence Plaza Tenant Association

One of the families whose apartment was tested and found to have high levels of contaminants, has a young child. That family did not live downtown on 9/11, so their child was likely not exposed to WTC contaminants until they moved into Lower Manhattan. Now, they are very concerned about their child's future health.

This panel might be able to help, if it were not perceived as such a closed, narrowly focussed, penny-pinching, ad hoc operation. Please believe that, in none of what I'm saying do I mean to fault the members of the panel. We appreciate very much the work you are doing. But...

Most people are aware that this panel was formed because the EPA did such a lousy job after 9/11 -- from the initial lies and manipulation of information regarding air quality, to the irresponsible act of turning over (without any oversight) the question of possible indoor contamination to City agencies that were not competent to deal with it, to the arrogant exclusion of real input from the community into the self-interested PR exercise they called the "WTC Dust Cleanup." By the end of which, Lower Manhattan residents did not have an ounce of faith left in the agency.

The outcome of this panel does not need to be as dismal as the failure of public confidence that led to its creation. It is not too late to make this an open, democratic, honest process. Who makes up the rules? Who says there's not enough money for transcripts? What's the funding source? How much money is available? George Bush said there was no ceiling on funds to restore our city -- he should make good on his promise! You need real participation by the affected community - in all aspects, from developing agendas, to forming sub-groups, to involvement in the technical deliberations relating to sampling design. We're entitled to be involved and it would help to restore confidence in the EPA if it put in place a formal mechanism for involving the community in the work of the panel. Through that mechanism, it should give community participants funding for our own technical resources. It is mind-boggling that not even transcripts of meetings are provided, to help us know what's going on. It appears to many of us that many decisions are being made by a few of the players behind closed doors.

I have copies of R.J. Lee's Independence Plaza test results for all the panel members -- which leads me to mention another absolutely essential element that should have been put in place some time ago. A centralized data base must be established -- for these results and the results of all the other testing that has been done, by private entities as well as governmental and non-governmental agencies, relating to the WTC and 9/11. It's unconscionable that this has not yet been done.

Thank you for listening.